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09/635,232	08/09/2000	Shiri Kadambi	108339-00021	4991

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EXAMINER
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ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _09 August 2000_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _20-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _20-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.   6) ☐ Other:

DETAILED ACTION

Specification

1.   The abstract of the disclosure is objected to because it exceeds the length

limitations. See MPEP § 608.01(b). Correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially
created doctrine grounded in public policy (a policy reflected in the statute) so as
to prevent the unjustified or improper timewise extension of the "right to exclude"
granted by a patent and to prevent possible harassment by multiple assignees.
See *In re Goodman,* 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re
Longi,* 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum,* 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel,* 422 F.2d 438, 164
USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644
(CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may
be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent is shown to
be commonly owned with this application. See 37 CFR 1.130(b).
Effective January 1, 1994, a registered attorney or agent of record may
sign a terminal disclaimer. A terminal disclaimer signed by the assignee must
fully comply with 37 CFR 3.73(b).

2.   Claims 20-22, 23, 25, 26-28, 29-30, 31-32, and 33 are rejected under the

judicially created doctrine of double patenting over claims 1, 3, 5, and 11 of U.S.

Patent No. 6,104,696 since the claims, if allowed, would improperly extend the

"right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in
the patent and is covered by the patent since the patent and the application are
claiming common subject matter. Some examples are provided below:

Regarding claims 20 and 32, claimed limitations are identical except for
the part in the preamble being different. In the instant application "a method of
sending packets between trunked network switches" is being specially claimed
whereas "a method of sending packets between ports on trunked network
switches" is recited in claim 1 of the patent. Ports are integral part of trunks
connecting switches together.

In the instant application "receiving a packet from a source at a first port of
a trucked network switch" is being specially claimed whereas "receiving said
packet at an ingress submodule of said first switch" is recited in claim 1 of the
patent. A port is an integral part of an ingress submodule.

In the instant application "identifying that the first switch includes ports
which are bundled as a trunk " is being specially claimed whereas "identifying
that the first switch and the second switch are connected with the trunk" is recited
in claim 1 of the patent. Ports are integral part of trunks connecting two switches.

In the instant application "identifying that the packet received from the
source is destined for a destination which must be accessed through the trunk
group by checking a trunk bit in a lookup table" is being specially claimed
whereas "identifying that the first switch and the second switch are connected
with the trunk connection by a trunk bit in a lookup entry of the lookup table

matched by the destination address" is recited in claim 1 of the patent. Lookup

entry is a part of the look up table.

In the instant application "identifying an appropriate trunk port of the trunk

group on which to send the packet to the destination" is being specially claimed

whereas "identifying a trunk port for communication" is recited in claim 1 of the

patent. Identifying port for sending packets is identifying a trunk port for

communication.

In the instant application "forwarding the packet to the destination on the

appropriate trunk port" is being specially claimed whereas "forwarding the packet

to the identified trunk port" is recited in claim 1 of the patent. Appropriate trunk

port is identified trunk port.

Regarding claim 21, claimed limitations are identical except for the part in

the preamble being different. In the instant application "a step of performing a

lookup of the destination address in the lookup table, and identifying the trunk

port based upon the look up" is being specially claimed whereas the same step is

recited in claim 1 of the patent (see column 34 lines 51-53 and lines 64-66).

Regarding claims 22, 27-30, claimed limitations are identical except for the

part in the preamble being different. In the instant application "determining a

destination address match in the lookup table" is being specially claimed

whereas "identifying that the first switch and the second switch are connected

with the trunk connection by a trunk bit in a lookup entry of the lookup table

matched by the destination address " is recited in claim 1 of the patent.

In the instant application "identifying a rules tag in the lookup table" is

being specially claimed whereas "identifying a rules tag in the lookup entry" is

recited in claim 1 of the patent. Look table comprises lookup entry.

In the instant application "identifying a trunk group identification in the

lookup entry" is being specially claimed whereas the same limitation is recited in

claim 1 of the patent.

In the instant application "determining a trunk port index based upon the

rules tag" is being specially claimed whereas the same limitation is recited in

claim 1 of the patent.

In the instant application "applying the trunk group identification and the

trunk port index to a trunk group table, said table therefore identifying a trunk port

for communications" is being specially claimed whereas the same limitations are

recited in claim 1 of the patent.

Regarding claims 23 and 31, claimed limitations are identical except for

the part in the preamble being different. In the instant application "rules tag

identifies the trunk port index based upon predetermined bits of at least one of a

source IP address and a destination IP address" is being specially claimed

whereas "rules tag defines that bits of at least one of a source IP address and a

destination IP address are used to identify the trunk port index" is recited in claim

3 of the patent. Appropriate trunk port is identified trunk port. Defining and identifying bits of IP address is predetermined bits of IP address.

Regarding claims 25 and 33, claimed limitations are identical except for the part in the preamble being different. In the instant application "trunk group table is modified to reflect trunk port failures" is being specially claimed whereas "modifying the trunk group table to reflect that the trunk port is no longer available for communication" is recited in claim 5 of the patent. Port failure is a situation when the port is no longer available for communication.

Regarding claim 26 claimed limitations are identical except for the part in the preamble being different. In the instant application "a first switch and a second switch having a plurality of communication ports and a trunk connection between the first switch and second switch " is being specially claimed whereas "first switch means and second switch means having a plurality of communication ports and a trunk connection between first switch means and second switch means" is recited in claim 11 of the patent. Switch and switch means are the same.

In the instant application "a sending unit for sending a packet from a first port of first switch to a second port of second switch" is being specially claimed whereas "sending means for sending a packet from a first port of said first switch means to a second port of said second switch means" is recited in claim 11 of the patent. Sending unit is the same as sending means.

In the instant application "an ingress unit in first switch for receiving said packet from a source, and for performing an address resolution lookup on one of a source address and destination address of the packet based upon a lookup table" is being specially claimed whereas "an ingress submodule in said first switch means for receiving said packet and for performing an address resolution lookup on one of a source address and destination address of the packet based upon a lookup table" is recited in claim 11 of the patent. Ingress unit and ingress submodule are the same and further, when the unit receives a packet there must be source to send the said packet.

In the instant application "an identifying unit for identifying that the first switch and second switch are connected by the trunk connection" is being specially claimed whereas "first identifying means for identifying that the first switch means and second switch means are connected with the trunk connection" is recited in claim 11 of the patent. Identifying unit and identifying means are the same.

In the instant application "a forwarding unit for forwarding the packet to the destination on the appropriate trunk group" is being specially claimed whereas "retrieving the packet from memory with an egress unit, and forwarding the packet to the identified trunk port" is recited in claim 11 of the patent. Forwarding unit and appropriate trunk group are the same as memory with an egress unit and identified trunk port.

Furthermore, there is no apparent reason why applicant was prevented

from presenting claims corresponding to those of the instant application during

prosecution of the application which matured into a patent. See In re Schneller,

397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section
122(b), by another filed in the United States before the invention by the applicant for patent or
(2) a patent granted on an application for patent by another filed in the United States before
the invention by the applicant for patent, except that an international application filed under
the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 20-33 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fite, Jr. et al (hereinafter Fite) U.S. Patent No. 6,496,502.

Regarding claim 20 and 26: the step of sending packets between trunked

switches is anticipated by Fite. The reference discloses a distributed multi-link

trunking system and method for providing data communications between a

source having multiple connections to a first switch and a destination station

having multiple connections to a second switch. An egress port is selected from

the list of egress ports based upon the source address, destination address and trunk identifier (see column 2 lines 25-30, 35-39, and column 15 lines 8-16).

The step of receiving a packet from a source is anticipated by the destination trunk (see column 15 lines 8-11).

The step of identifying that the first switch includes ports which are bundled as a trunk is anticipated by the forwarding mask (see column 11 lines 7-11).

The step of identifying that the received packet's destination must be accessed through a trunk group is anticipated by the port ingress function, multilink trunking membership identification, and bit 5 (see column 5 lines 30-45 and column 10 lines 21-23).

The step of identifying appropriate trunk port of the trunk group is anticipated by the distributed trunk group (see column 15 lines 12-16).

The step of forwarding the packet is anticipated by Fite's forwarding options (see column 15 lines 17-20 and column 16 lines 1-6).

Regarding claims 21 and 27: performing a lookup of the destination address in the lookup table, and identifying the trunk port is anticipated by Content Addressable Memory (CAM) and trunk mask group identifier (see column 6 lines 55-56 and column 11 lines 35-43)

Regarding claims 22, 28, and 29: the step of determining a destination address in the lookup table is anticipated by the CAM memory address entries

(column 5 lines 47-49), destination address (column 6 lines 58-62) and address

matching (column 8 lines 2-9). (see also table 1).

The step of identifying a rules tag in the lookup table is anticipated by the

CAM memory and policy table (see column 6 lines 58-62).

The step of identifying a trunk group identification is anticipated by the

CAM, trunk mask, and trunk group identifier (See column 6 lines 58-62 and

column 11 lines 35-43).

The step of determining a trunk port index based upon the rules tag is

anticipated by the policy table and trunk mask group (see column 6 lines 58-62

and column 7 lines 42-45).

The step of applying the trunk group identification and trunk port index to a

trunk group table that identifies a trunk port for communication is anticipated by

trunk mask group identifier (see column 11 lines 35-43 and tables 3, 4, 5, and 6).

Regarding claim 30: the identifying unit identifies the appropriate turnk port

by determining a trunk port index based upon a rules tag in a matching lookup

entry is anticipated by VLAN tag (rules tag), the CAM cycle (trunk port index),

and the CAM forwarding decision (see column 7 lines 63-67 and column 8 lines

1-10).

Regarding claims 23 and 31: the step wherein rules tag identifies the trunk

port index based on predetermined source and destination IP addresses is

anticipated by the CAM entry consisting of 13 bit policy index field, trunk mask

group identifier and the policy table (see column 2 lines 35-39, column 11 lines 6-
17, table 3, tables 4, table 6).

Regarding claims 24 and 32: the step of applying trunking information to a
trunk group table is anticipated by Fite (see column 13 lines 51-54, and table 8).

Regarding claims 25 and 33, the step of modifying trunk group table to
reflect trunk port failures is anticipated by changing size of the CAM cycle word
or changing the contents of the CAM cycle word (see column 4 lines 48-54).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

-       Hiller et al, US Patent No. 5,345,445 discloses a method for establishing
telecommunications call paths in broadband communication networks

INQUIRY

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zahedian-Tajnaki GholamReza whose telephone number is 703-305-0343. The examiner can normally be reached on 7:30 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-746-9709.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.

Zahedian-Tajnaki, GholamReza

GH·R Zahedh

December 15, 2003

Seema S. Rao
SEEMA S. RAO 12/15/03
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